

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **JOHN GLOVER, M.D.**

4 Holder of License No. 8971
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-11-1037A

**ORDER FOR DECREE OF CENSURE
AND PROBATION AND CONSENT TO
THE SAME**

7 John Glover, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Decree of Censure and Probation; admits
9 the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this
10 Order by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 8971 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-11-1037A after receiving notification of
17 a malpractice settlement regarding Respondent's care and treatment of a 50 year-old male
18 patient ("JD") alleging failure to diagnose lung cancer with subsequent patient death.

19 4. On October 30, 2001, Respondent saw patient JD for pulmonary
20 consultation. Respondent noted a CT scan from four days prior that showed a cavitary
21 lesion. He was suspicious of a Valley Fever diagnosis and ordered cocci serology, PPD
22 and a bronchoscopy, which was performed a week later.

23 5. Respondent saw JD on November 14, 2001 and noted the bronchoscopy
24 findings that included a single multinucleated giant cell without granuloma formulation, and
25 with negative cytology. On January 18, 2002, Respondent saw JD and noted a repeat CT
scan of January 3 that showed slight enlargement of the cavity.

1 6. On April 1, 2002, Respondent noted a repeat CT scan from March 15 that
2 showed no significant change. Respondent charted that he would recommend surgical
3 excision if the lesion enlarged.

4 7. On July 2, 2002, Respondent saw JD and noted that the nodule was stable
5 based on a June 3 repeat CT scan. Respondent planned extirpation if the nodule grew,
6 and recommended a six-month follow up CT scan.

7 8. On January 13, 2003, Respondent saw JD and noted a size increase of the
8 lesion shown on a January 6 repeat CT scan. Respondent noted that surgery was an
9 option, but elected not to go in that direction since JD was feeling well. He recommended a
10 two-month repeat CT scan.

11 9. On March 18, 2003, Respondent noted a decrease in size of the nodule
12 shown on a March 10 repeat CT scan. He concluded that it was likely coccidioidal.

13 10. On September 12, 2003, Respondent noted 'waxing and waning' of the
14 nodule and reiterated that Valley Fever was clinically suspected as the cause. On March
15 16, 2004, Respondent saw JD and again noted 'waxing and waning' of the nodule, and a
16 one-year follow up CT scan was scheduled.

17 11. On March 29, 2005, Respondent saw JD and acknowledged the March 22
18 CT scan findings that showed that the cavitory lesion slightly increased in size.
19 Respondent did not believe this was an active infectious process and scheduled a three-
20 month follow up CT scan.

21 12. On June 21, 2005, Respondent noted that JD was wheezing on forced
22 expiration. Respondent ordered a PET scan, which showed findings suggestive of
23 malignancy. The next month, JD underwent a right lower lobectomy and was diagnosed
24 with adenocarcinoma. He underwent chemotherapy and radiation; however, by June 2006
25 JD had evidence of recurrent disease. He underwent more chemotherapy and a repeat

1 PET scan showed some response. After several months of progressive decline in his
2 respiratory distress, JD died on December 9, 2007.

3 13. The standard of care in managing a cavitary solitary pulmonary nodule
4 requires a physician to determine the risk of malignancy and, if the patient has
5 intermediate or higher risk of malignancy, the standard of care requires a physician to
6 pursue a definitive diagnosis of the nodule.

7 14. Respondent deviated from the standard of care by failing to pursue a
8 definitive diagnosis, either by repeat bronchoscopy, transthoracic needle aspiration or
9 open biopsy or resection when the results of the initial study came back negative.

10 15. Failure to make a correct diagnosis early in the course of the management of
11 the cavitary nodule delayed definitive treatment for more than three years. It is possible
12 that the tumor was at an early stage cancer in 2001 and, had it been removed surgically,
13 the patient may have been successfully treated for his disease.

14 CONCLUSIONS OF LAW

15 1. The Board possesses jurisdiction over the subject matter hereof and over
16 Respondent.

17 2. The conduct and circumstances described above constitute unprofessional
18 conduct pursuant to A.R.S. § 32-1401(27)(q) ("[a]ny conduct or practice that is or might be
19 harmful or dangerous to the health of the patient or the public.").

20 ORDER

21 IT IS HEREBY ORDERED THAT:

22 1. Respondent is issued a Decree of Censure.

23 2. Respondent is placed on probation for **three year(s)** with the following terms
24 and conditions:
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1 a. Within 30 days of the effective date of this order, Respondent shall
2 enter a contract with a Board pre-approved monitoring company ("Monitor") to provide all
3 monitoring services. Respondent shall bear all costs of monitoring requirements and
4 services.

5 b. The Monitor shall conduct quarterly chart reviews. Based upon the
6 chart review, the Board retains jurisdiction to take additional disciplinary or remedial action.

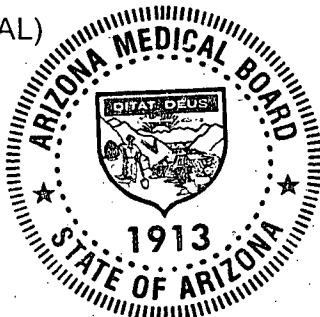
7 c. Respondent shall obey all state, federal and local laws, all rules
8 governing the practice of medicine in Arizona, and remain in full compliance with any court
9 ordered criminal probation, payments and other orders.

10 d. In the event Respondent should leave Arizona to reside or practice
11 outside the State or for any reason should Respondent stop practicing medicine in
12 Arizona, Respondent shall notify the Executive Director in writing within ten days of
13 departure and return or the dates of non-practice within Arizona. Non-practice is defined
14 as any period of time exceeding thirty days during which Respondent is not engaging in
15 the practice of medicine. Periods of temporary or permanent residence or practice outside
16 Arizona or of non-practice within Arizona, will not apply to the reduction of the probationary
17 period.

18 e. Respondent may petition the Board to request early termination of the
19 Probation no earlier than two years after the effective date of this Order.

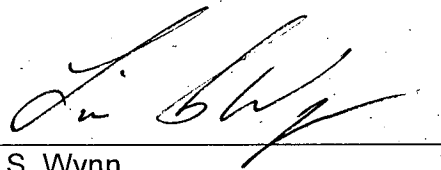
20 DATED AND EFFECTIVE this 2nd day of August, 2012.
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22 (SEAL)



23 ARIZONA MEDICAL BOARD

24 By

25 
Lisa S. Wynn
Executive Director

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6. Upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke the consent to the entry of the Order. Respondent may not make any modifications to the document. Any modifications to this original document are ineffective and void unless mutually approved by the parties.

1 7. This Order is a public record that will be publicly disseminated as a formal
2 disciplinary action of the Board and will be reported to the National Practitioner's Data
3 Bank and on the Board's web site as a disciplinary action.

4 8. If any part of the Order is later declared void or otherwise unenforceable, the
5 remainder of the Order in its entirety shall remain in force and effect.

6 9. If the Board does not adopt this Order, Respondent will not assert as a
7 defense that the Board's consideration of the Order constitutes bias, prejudice,
8 prejudgment or other similar defense.

9 10. Any violation of this Order constitutes unprofessional conduct and may result
10 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
11 consent agreement or stipulation issued or entered into by the board or its executive
12 director under this chapter") and 32-1451.

13 11. ***Respondent has read and understands the conditions of probation.***

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16 
John Glover, M.D.


DATED: 5-22-12

17
18 EXECUTED COPY of the foregoing mailed
19 this 2nd day of August, 2012 to:

20 John Glover, M.D.
21 Address of Record

22 ORIGINAL of the foregoing filed
23 this 2nd day of August, 2012 with:
24
25

1 Arizona Medical Board
2 9545 E. Doubletree Ranch Road
3 Scottsdale, AZ 85258

4 
5 Arizona Medical Board Staff